

## SENATE BILL NO. 434

INTRODUCED BY K. GEBHARDT

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING GOVERNMENTAL LIABILITY FOR RODEO AND SIMILAR EVENTS; AMENDING SECTION 27-1-733, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 27-1-733, MCA, is amended to read:

**"27-1-733. Liability of governmental entity or nonprofit organizations and their employees for injuries suffered in sponsored rodeo and similar events.** (1) ~~No~~ A governmental entity or nonprofit organization sponsoring or allowing on its property a rodeo, cowboy polo, cutting horse, O-Mok-See, trail riding, horse packing, horse show, or jackpot roping event; or an employee of the governmental entity or organization; is not liable for injuries suffered by a contestant, participant, or volunteer as a result of ~~his~~ the contestant's, participant's, or volunteer's voluntary participation in the event except for injuries caused by a willful or wanton act of the ~~sponsoring~~ governmental entity or organization or ~~its~~ the employees of the governmental entity or organization.

(2) For purposes of this section, a minor is considered to be in voluntary participation in an event if:

(a) ~~he~~ the minor has provided written consent to participate in the event; and

(b) the consent is approved by one of the minor's parents or ~~by his~~ legal guardian."

**NEW SECTION. Section 2. Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

**NEW SECTION. Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**NEW SECTION. Section 4. Two-thirds vote required.** Because [section 1] limits governmental liability,

1 Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of  
2 the legislature for passage.

3

4 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

5

6 NEW SECTION. **Section 6. Applicability.** [This act] applies to injuries occurring on or after [the  
7 effective date of this act].

8

- END -